

Serial No. 09/883,342
Reply to Office Action of April 28, 2004
Reply dated July 27, 2004

Docket No. K-0075A

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 4-9 and 12-24 are pending in the present application. Claims 1, 4-9 and 12-14 are amended, claims 2, 3, 10 and 11 are canceled and claims 15-24 are added by the present amendment.

In the outstanding Office Action, claims 1 and 8 were rejected under 35 U.S.C. § 102(e) as anticipated by Visotsky et al.; and claims 2-7 and 9-14 were indicated as allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter.

Claims 1 and 8 stand rejected under 35 U.S.C. § 102(e) as anticipated by Visotsky et al. This rejection is respectfully traversed.

Claim 1 is directed to a method for determining a frame quality in a mobile communication system including estimating a signal to interference ratio based on multiplying a bit to symbol rate ratio of a full rate by a value obtained by dividing a power for a traffic channel of the full rate by the interference in a control hold state, and comparing the estimated signal to interference ratio with a preset reference to determine the quality of the received frame. Independent claim 8 includes similar features in a varying scope.

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Visotsky et al. relates to a communication device for reducing interference by using adaptive equalization, particularly for creating an error signal by making a comparison between a received signal of the pilot channel and a predetermined data pattern, and controlling the equalizer by using the error signal. However, Visotsky et al. does not disclose estimating a SIR (Signal to Interference Ratio) by using a power control bit of the traffic channel for indicating the frame quality in the control hold state. In particular, in column 13, lines 30-45, column 14, lines 53+ and column 16, lines 27-37, the SNR calculator in 318 of Fig. 3 and 14 of Fig. 5A only uses the pilot channel in calculation of the SNR. The power control bit in a control hold state not used in Visotsky et al.

Accordingly, it is respectfully submitted independent claims 1 and 8 and each of the claims depending therefrom are also allowable.

In addition, new claims 15-24 have been added to set for the invention in a varying scope, and Applicant submits the new claims are supported by the originally filed specification. For example, new claim 15 depends on claim 1, and recites that the control hold state corresponds to a state when only PCBs are transmitted. This similar feature is already recited in independent claim 8. New independent claim 16 recites that a quality of frame received through an allocated traffic channel in a control hold state in which only PCBs are transmitted is determined by estimating a SIR based on the traffic channel and a

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pilot channel during the control hold state. It is respectfully submitted Visotsky et al. does not teach these features or the combinations thereof.

Further, the specification has been amended to correct minor informalities, and to change the phrase "signal to noise power ratio" to "signal to interference ratio." This change is supported at least at page 1, lines 9 and 10, page 8, lines 3-9 and page 10, lines 10 and 11. The Abstract has also been amended to reflect this change. It is believed no new matter has been added.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "Daniel Y.J. Kim", written over the printed name.

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